

### REMARKS

The application has been thoroughly reviewed in light of the Office Action mailed April 26, 2004. Claims 1, 40, and 41 have been amended. Claims 1-59 remain pending. Reconsideration and allowance of the application are respectfully requested.

Claims 1-40, 42-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,907,183 to Takeuchi ("Takeuchi"). The rejection is respectfully traversed.

The present invention relates to a method of forming a capacitor having reduced leakage current. As amended, claim 1 recites, "forming a third layer of conductive material over said second layer and contiguous with said oxidation layer." Takeuchi does not teach or suggest all of the claim limitations recited by claim 1. For example, in the passages cited by the Office Action, Takeuchi teaches forming a conductive layer (28) over an NON dielectric structure (27). The NON structure 27 is a silicon nitride layer 24 under an oxide layer 25 under a silicon nitride layer 26. See, FIG. 2B and accompanying text. Thus, Takeuchi teaches forming the conductive layer 28 over the nitride layer 26, but not "contiguous with said oxidation layer," as recited by claim 1. For at least these reasons, Takeuchi does not anticipate the claimed invention.

Similarly, claim 40 recites "forming a second conductive layer on said oxidation layer." Even assuming, *arguendo*, that the oxide layer 25 taught by Takeuchi is the claimed oxidation layer, Takeuchi does not teach or suggest forming a second conductive layer on this oxidation layer. Rather, Takeuchi teaches that the oxide layer 25 is separated from a conductive layer 28 by a silicon nitride layer 26. For at least these reasons, Takeuchi does not anticipate the claimed invention recited by claim 40.

Claims 42-43 depend from claim 40 and contain each of the limitations recited by claim 40. For at least the reasons given for the allowance of claim 40, claims 42-43 are also allowable. Withdrawal of this rejection is respectfully requested.

Claims 2-39, 41, 44-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi, and further in view of U.S. Patent Nos. 6,281,141 to Das et al (“Das”) and 6,015,733 to Lee et al. (“Lee”). The rejection is respectfully traversed.

Each of claims 2-39 depend from claim 1, and each of claims 41 and 44-59 depend from claim 40. None of the cited references, whether considered alone or in combination, render obvious the claimed invention as recited by these claims. Specifically, for whatever Das and Lee teach regarding “various thicknesses and gas flow rates,” they do not overcome the deficiencies of Takeuchi as discussed above. Office Action, at 3.

For at least these reasons, each of the claims 2-39, 41, and 44-59 is submitted to be allowable, and withdrawal of the rejection is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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